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Attorneys for Defendant CLOAKWARE INC.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CLOAKWORKS, INC.,

Plaintiff,

v.

CLOAKWARE, INC. and MICROSOFT
CORPORATION,

Defendants.

Case No. CV 08-02044 WHA

**STIPULATION AND [PROPOSED]
ORDER CONTINUING DEADLINE TO
SERVE INVALIDITY CONTENTIONS
AND TO COMPLETE PATENT L.R. 3-4
PRODUCTION BY ONE WEEK**

1 Plaintiff Cloakworks, Inc. ("Cloakworks" or "Plaintiff") and Defendant Cloakware Inc.
 2 ("Cloakware" or "Defendant") hereby stipulate through their respective counsel of record as
 3 follows:

4 WHEREAS, on October 9, 2008, the parties submitted a Joint Case Management
 5 Statement and [Proposed] Order [Document No. 41] in which they agreed that Cloakware's
 6 Invalidity Contentions pursuant to Patent L.R. 3-3 would be due on December 1, 2008, and that
 7 Cloakware would complete its accompanying document production pursuant to Patent L.R. 3-4
 8 by December 1, 2008;

9 WHEREAS, the parties are engaged in intensive, good faith settlement negotiations that
 10 may resolve the litigation within the next week;

11 WHEREAS, the parties mutually desire to focus their efforts on settlement negotiations
 12 in the next week, rather than requiring Cloakware to incur the additional litigation costs that
 13 would result from finalizing its Invalidity Contentions and accompanying document production
 14 by December 1, 2008;

15 WHEREAS, the Thanksgiving holiday is this week, and the travel schedules of the
 16 attorneys is an additional basis on which the parties jointly seek a brief extension of the
 17 deadlines for Cloakware to serve its Invalidity Contentions pursuant to Patent L.R. 3-3 and to
 18 complete its accompanying document production pursuant to Patent L.R. 3-4;

19 WHEREAS, in light of the foregoing factors, the parties jointly request that the Court
 20 allow a brief, one week extension to December 8, 2008 of the deadlines for Cloakware to serve
 21 its Invalidity Contentions pursuant to Patent L.R. 3-3 and to its accompanying document
 22 production pursuant to Patent L.R. 3-4;

23 WHEREAS, the requested one-week extension will not affect any of the other deadlines
 24 in this case, including those deadlines set by the Court's October 16, 2008 Case Management
 25 Order [Document No. 43] or the deadlines set by the Order Re Schedule for Claim Construction
 26 [Document No. 52]; and

1 WHEREAS, the parties have also agreed to mutual one-week extensions of time in
 2 which to respond to outstanding written discovery, such that the deadline for Cloakworks to
 3 respond to Cloakware's Second Set of Interrogatories is extended to December 3, 2008, and the
 4 deadline for Cloakware to respond to Cloakworks' First Set of Interrogatories is extended to
 5 December 15, 2008;

6 NOW THEREFORE, the parties, through their undersigned counsel, hereby stipulate
 7 and jointly respectfully request that the Court enter the accompanying [Proposed] Order
 8 extending by one week to December 8, 2008 the deadlines for Cloakware to serve its Invalidity
 9 Contentions pursuant to Patent L.R. 3-3 and to complete its accompanying document production
 10 pursuant to Patent L.R. 3-4.

11 **IT IS SO STIPULATED**

12 Dated: November 24, 2008

13 WILMER CUTLER PICKERING HALE
 14 AND DORR LLP

15 By: /s/ Elizabeth Rogers Brannen
 16 Elizabeth Rogers Brannen

17 Attorneys for Defendant Cloakware, Inc.

18 Dated: November 24, 2008

19 HOSIE RICE LLP

20 By: /s/ George F. Bishop
 21 George F. Bishop

22 Attorneys for Plaintiff Cloakworks, Inc.

1 I hereby attest pursuant to General Order 45.X.B. that concurrence in the electronic
2 filing of this document has been obtained from the other signatories.

3 DATED: November 24, 2008

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5 By: /s/ Elizabeth Rogers Brannen

6 Elizabeth Rogers Brannen
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